

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

El Barseem Knowledge Allah,

Plaintiff,

v.

Case NO. 2:19-cv-4994

Cassie Kinker, et al.,

Defendants.

ORDER

This is a civil rights action under 42 U.S.C. §1983 brought by plaintiff, El Barseem Knowledge Allah, an Ohio inmate, against various employees of the Ross Correctional Institution ("RCI"). Plaintiff alleges that in September of 2019, he was denied the opportunity to go to the RCI law library, and that, as a result, he was unable to properly litigate his claims in two cases, Allah v. Henderson, No. 3:19-cv-616 (N.D. Ohio) and Allah v. Reed, No. 19-cv-3849. He seeks to sue the defendants in their official and individual capacities for monetary damages and injunctive relief.

On April 9, 2020, the magistrate judge issued a report and recommendation on the initial screen of plaintiff's complaint pursuant to 28 U.S.C. §1915A, which requires the court, "in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity," to dismiss a complaint that fails to state a claim upon which relief may be granted. 28 U.S.C. §1915A(a)-(b)(1). The magistrate judge construed plaintiff's allegations as a claim of denial of access to the courts. The magistrate judge concluded that plaintiff had failed to allege sufficient facts to state a claim under that theory.

The report specifically advised that objections to the report and recommendation were due within fourteen days, and that the failure to object to the report and recommendation would result in a waiver of the right to de novo review by the district judge and waiver of the right to appeal the judgment of the district court. Doc. 8, pp. 8. The time period for filing objections to the report and recommendation has expired, and no objections to the report and recommendation have been filed.

The court agrees with the report and recommendation (Doc.86), and it is hereby adopted. The complaint is dismissed pursuant to 28 U.S.C. §1915(e)(2) for failure to state a claim for which relief can be granted. The court certifies pursuant to 28 U.S.C. §1915(a)(3) that, for the reasons stated in the report and recommendation, an appeal of this order adopting the report and recommendation would not be taken in good faith, and that any motion for leave to appeal in forma pauperis will be denied. The clerk is directed to enter judgment dismissing this case.

Date: May 14, 2020

s/James L. Graham
James L. Graham
United States District Judge